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Letter dated 6 December 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the conclusion of the extraordinary session of the Government of the Republic of Serbia, held on 4 December 2004 (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

04-64037 (E) 091204

Annex to the letter dated 6 December 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

Pursuant to Articles 29 and 30 of the Law on the Government of the Republic of Serbia (*Official Gazette of the Republic of Serbia*, Nos. 5/91 and 45/93),

the Government of the Republic of Serbia has adopted the Conclusion concerning the appointment of Ramush Haradinaj as the Prime Minister of Kosovo and Metohija.

The Conclusion was supported by the President of the Republic of Serbia, Boris Tadić, the Speaker of the National Assembly of the Republic of Serbia, Predrag Marković, the Minister of Foreign Affairs of Serbia and Montenegro, Vuk Drašković, the Minister of Defence of Serbia and Montenegro, Prvoslav Davinić, and the President of the Coordinating Centre for Kosovo and Metohija, Nebojša Čović.

CONCLUSION

I

1) The authorities of Serbia, together with the authorities of the State Union of Serbia and Montenegro as well as those of the Federal Republic of Yugoslavia, have since October 2000 pursued a policy aimed to promote peaceful, negotiated and lasting solutions to the problems in Kosovo and Metohija. Their contribution to the implementation of the United Nations Security Council Resolution 1244 (hereinafter: Resolution 1244) materialised in numerous initiatives, documents and processes that supported the implementation of international standards in the field of human rights, democracy and the rule of law on the ground in Kosovo and Metohija, aimed at preserving and developing the multi-ethnic character of the Province. Such an approach was fully embraced in drafting the Constitutional Framework for Kosovo and Metohija, the adoption of the FRY-UNMIK Common Document on the implementation of the Resolution 1244, as well as the adoption of the Serbian government plan addressing the situation in Kosovo and Metohija immediately after the violent events that took place in March 2004.

2) The Government of the Republic of Serbia notes with regret that the international civilian presence (UNMIK) in Kosovo and Metohija failed to demonstrate proper interest or understanding for the constructive proposals put forward by our authorities. Instead, they focused on uncompromising demands by the Albanian side in Kosovo and Metohija. What such a strategy actually made possible was that the ethnic structure of the Province, even though altered substantially after the Kosovo Serbs were forcibly driven out and expelled from their homes, could be presented as Kosovo's genuine reality. The anti-Serb pogrom on March 17 and March 18, orchestrated by ethnic Albanian extremists, could not be hidden from the democratic world. It was not only the culmination of violence, but rather the usual pattern of behaviour of Albanian extremists towards the Serb community in the Province.

3) It is unacceptable to the Government of the Republic of Serbia that the Parliament of Kosovo and Metohija elected Ramush Haradinaj as Prime Minister, despite his criminal past before, during and after the war. A total of 108 crime reports were filed against him. The War Crimes Panel of the Belgrade District Court has initiated an investigation into Haradinaj's alleged involvement in war crimes, ordered detention and issued a warrant for his arrest. The Hague Tribunal is conducting its own investigation concerning this person. The fully legitimate question is what kind of message his election is sending to the Serbs in Kosovo and Metohija, to the Republic of Serbia and the State Union, the region and the world at large. More specifically, what kind of message is the international administration in Kosovo and Metohija going to receive?

4) In spite of the fact that the highest-ranking international representatives in Kosovo and Metohija have chosen to turn a blind eye to the latest development, the state authorities of Serbia firmly believe that democracy and formal procedures cannot be used as a pretext to elect Ramush Haradinaj as the Prime Minister of Kosovo and Metohija.

In view of the above, the Government of the Republic of Serbia denounces the election of Ramush Haradinaj as the Prime Minister of Kosovo and

Metohija, as it most directly undermines the process of jointly seeking solutions to the problems in the Province.

II

In that respect, the Government of the Republic of Serbia wishes to make the following demands:

1) That the Special Representative of the U.N. Secretary-General, in line with his mandate under the Resolution 1244, revoke the provocative and risky decision to elect Ramush Haradinaj as Prime Minister of Kosovo and Metohija;
2) That a meaningful political process, including a dialogue on decentralisation and other key political issues regarding Kosovo and Metohija, be launched immediately, involving representatives of UNMIK, the provisional institutions, Kosovo Serbs, the Republic of Serbia and the State Union of Serbia and Montenegro;
3) That the talks be closely monitored and steered by the Contract Group;
4) That the U.N. Security Council, taking into account the principles and purposes of the United Nations and its responsibility for the promotion of human rights and maintenance of international peace and security, monitor and control the implementation of the Resolution 1244 with the utmost responsibility;
5) That the international organisations in Kosovo and Metohija the purpose of which is to promote democracy, rule of law and human rights, including the OSCE and the Council of Europe, voice clearly their position concerning the election of Ramush Haradinaj as the Prime Minister of Kosovo and Metohija;
6) That the European Union re-evaluate a European perspective for Kosovo in light of the fact that the highest-ranking executive office holder has been accused of the gravest crimes.

III

The Government, along with all state institutions of the Republic of Serbia, will continue to contribute fully to solving the problems in Kosovo and Metohija, with a view to preserving its multiethnicity and ensuring a peaceful and democratic future for the Province.

IV

The Conclusion shall be forwarded to the National Assembly, the President of the Republic, the Council of Ministers, the Coordinating Centre for Kosovo and Metohija and to all ministries and special organisations of the Republic of Serbia.

05 No. 02-8118/2004
Belgrade, December 4, 2004

GOVERNMENT OF THE REPUBLIC OF SERBIA

Vojislav Koštunica
Prime Minister